
Appeal Decision

Site visit made on 5 March 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2024

Appeal Ref: APP/Y3940/W/23/3324066

Land at the corner of Pigott Close & Salisbury Road, Netheravon, Salisbury SP4 9QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Khan against the decision of Wiltshire Council.
 - The application Ref is PL/2022/08709.
 - The development proposed is the erection of one pair of semi-detached two storey dwellings and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the heading above is taken from the Appeal Form as this more accurately describes the appeal site's location than that on the application form. The spelling of the street name of the appeal site is interchangeably referred to as 'Piggot Close' and 'Piggott Close' within the evidence. For consistency, I have used the spelling 'Pigott Close' throughout the decision.
3. The appeal was submitted with a number of updated plans. In the interest of natural justice, and to ensure interested parties were able to make representations on the amended plans, the Council was asked to re-notify relevant parties. I have taken into account the further comments made and determined the appeal on the basis of these amended plans.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. The main parties were given the opportunity to make further written comment over these changes. This decision has been made on the basis of the revised Framework and the representations made.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of Number 623 Pigott Close (No 623) and the living conditions for future occupiers with regard to privacy; and the effect on the occupiers of No 623 with regard to noise and disturbance;
 - The effect of the proposed development on highway safety; and

- Whether the proposed development accords with the development plan in respect of the location of housing.

Reasons

Character and appearance

6. The appeal site lies at the junction between Pigott Close and Salisbury Road (the A345), on the edge of the village of Netheravon. Although there are a variety of architectural styles in the local area, Pigott Close has a consistent pattern of short residential terraces addressing the road, set behind modest front gardens. Architectural features are repeated throughout the terraces, including asymmetrical gables with brick detailing and brick sills. Elevations are rendered, with painted brick courses frequently present beneath the ground floor windows. The repetition of these features, in particular the offset gables addressing the road, creates a locally distinctive, consistent, and attractive character.
7. Despite being positioned alongside the existing residential properties, the design of the proposed dwellings would fail to reflect either the orientation or the architectural style of the existing street scene. As detached units facing inwards, they would not address Pigott Close. Despite introducing brick to the ground floor elevation and brick detailing to the windows, neither feature would effectively reflect the detailing present in the locality. Moreover, the long buildings with simple pitched roofs would markedly contrast with the prevailing pattern of distinctive terraces. Such uncharacteristic development on this prominent corner plot would be significantly harmful to the character and appearance of the area.
8. I can see no particular benefit from creating an architectural 'bookend' in this position as suggested by the appellant. There are no properties fulfilling a similar function on nearby roads, which instead end with the garden of the last property in a short terrace. Conversely, the introduction of a prominent bookend would dominate this corner and would stand out as an incongruous feature when travelling on the A345.
9. In order to address the Council's concerns regarding highway safety and prevent direct access on to the A345, it has been necessary to introduce 2m high impenetrable barriers between and around the properties. Even if the details of these barriers could be conditioned, and they would not need to extend directly along the front of each property, the 2m high structures would form stark and prominent features fronting the A345. Their presence, along with the ground floor windows to the 'rear' elevations, would create a confused appearance to the dwellings, reflecting neither the front or back of a property. The low-level landscaping indicated on the plans between the road edge and the properties would do little to improve this appearance.
10. Taking all of the above into account, I therefore conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the area. This would conflict with Core Policy 57 of the Wiltshire Core Strategy (2015) (the Core Strategy) insofar as it seeks a high standard of design, which responds to the existing pattern of development in respect of building layouts, mass, building line, elevational design, materials, and rooflines. There would also be conflict with the Framework where it seeks to ensure development is sympathetic to local character including the surrounding built environment.

Living conditions

11. The proposed dwellings would be oriented at right-angles to properties on Pigott Close, with No 623 located immediately adjacent to the site. No 623 has a first-floor window and a small ground floor window facing the appeal site, and a garden extending to the rear. The current design iteration has resolved the possibility of oblique views from the first-floor windows of Plot 1 towards the rear elevation of No 623, by bringing Plot 1 further south. The windows within the rear elevation of Plot 1 would overlook the garden of No 623. However, given the relationship between existing dwellings and neighbouring gardens and the overlooking at a relatively short distance this allows, the proposed development would not worsen the existing situation.
12. However, the revised proposed first floor plan of Plot 2 shows three bedrooms (with two windows) to the rear elevation facing No 623, whereas the proposed rear elevation plan shows a single frosted bathroom window and a roof light to the first floor elevation. Given the proximity and orientation of Plot 2 towards the side of No 623, direct views from first floor bedrooms towards the existing first floor window would likely result in harmful overlooking and loss of privacy for the occupiers at No 623.
13. The appellant has suggested that the matters of privacy and inconsistencies in the proposed plans could be dealt with by conditions. Even if a suitably worded condition could require windows on the first floor of Plot 2 to be obscure-glazed, I cannot be certain that a satisfactory configuration of first floor bedrooms within Plot 2 could maintain acceptable privacy for the occupiers at No 623. It would not therefore be reasonable for such details to be conditioned.
14. In its officer report, the Council sets out that the separation distance between the facing side elevations of Plots 1 and 2 would lead to a loss of privacy for future occupiers. The proposed plans show that both properties would include two first floor bedrooms with facing windows at a distance of less than 10m. Close and direct visibility would therefore be available between the two properties, resulting in an unduly harmful loss of privacy for future occupiers of the proposed dwellings.
15. The proposed site plan indicates parking and vehicular turning areas would be directly adjacent to the rear garden and side elevation of No 623. The provision of tandem parking spaces for Plot 1 would likely require high numbers of vehicle manoeuvres to allow access to both cars. Multiple turns would also likely be needed for vehicles parked in the spaces indicated for Plot 2 to leave the site in forward gear. The noise, movement, and lights associated with these movements in a confined space and in proximity to No 623 would give rise to a harmful degree of noise and disturbance for those occupiers, to the detriment of their living conditions.
16. Overall, I consider that the proposed development would result in unacceptable harm to the living conditions of neighbouring occupiers at No 623 and to future occupiers with regard to privacy. There would also be harm in respect of noise, and disturbance to the occupiers at No 623. Conflict therefore arises with Core Policy 57 of the Core Strategy, insofar as it requires development to have regard to the impact on the amenities of existing occupants and ensure that appropriate levels of amenity are achievable within the development itself. There would also be conflict with the Framework where it seeks to ensure developments create a high standard of amenity for existing and future users.

Highway safety

17. The amended plans submitted during the appeal show arrangements to the site layout which have satisfied the Council's Highways Officer on the grounds of highway safety. Previous concerns related to excluding development from a 2.4m zone alongside the highway for visibility and restricting direct access from the properties onto the main A345. Having reviewed the submitted evidence and the amended plans, I see no reason to reach a different conclusion to the Council on these issues.
18. A number of interested parties have made further representations regarding the safety of the junction between Pigott Close and the A345, and I observed on site that visibility at the junction was limited when exiting onto the A435. However, this is primarily in a southerly direction, where a narrowed footpath and boundary hedgerow restricts visibility. The appeal site is more open, and the development, which would maintain the pavement and 2.5m clear zone at the edge of the site, would not worsen the present situation. Further concerns have been raised regarding additional traffic movements resulting from the development. However, the number of vehicle movements associated with two dwellings would be unlikely to have a significant effect on the operation of the highway network in such a location.
19. Accordingly, I conclude that the development would not have a harmful effect on highway safety. It would therefore be in accordance with Core Policies 61 and 62 of the Core Strategy, which seek developments which are served by safe access to the highway network. It would also accord with the provisions of the Framework in relation to highway safety.

Location

20. Although not referred to in its reasons for refusal, in its response to the amended scheme consultation, the Council has found conflict with Core Policy 1 and Core Policy 2 of the Core Strategy in relation to the location of the development. Core Policy 1 sets out the settlement strategy for Wiltshire that seeks to locate development according to a settlement hierarchy. Core Policy 2 indicates that within limits of development there is a presumption in favour of sustainable development, including in 'Large Villages'.
21. The appeal site lies adjacent to, but outside of, the defined settlement limits of Netheravon, which is defined as a 'Large Village' for the purposes of the settlement hierarchy. Accordingly, for the purposes of planning policy, the appeal site is within the countryside where development will be strictly controlled, except in given exceptional circumstances. The appeal proposal has not been advanced as meeting any of the exception policies identified at paragraph 4.25 of the Core Strategy. As a matter of policy principle, therefore, the proposal does not accord with the development plan in respect of the location of housing, and conflicts with the overall settlement and delivery strategy of Core Policy 1 and Core Policy 2 of the Core Strategy.

Other Matters

22. The appeal site falls within the 6.4km buffer zone of the Salisbury Plain Special Protection Area (SPA) and within the catchment of the River Avon (Hampshire) Special Area of Conservation (SAC). The Council considers that no likely significant effects on the conservation objectives of the SPA would arise from

the development, subject to the continued implementation of an agreed mitigation scheme. The evidence indicates that the development would result in likely significant effects on the SAC, alone or in combination with other developments, through discharge of phosphorus in wastewater. In its response to the amended scheme consultation, the Council raised an additional concern that the scheme does not include mitigation to achieve phosphorous neutrality in respect of the site's location in the catchment area of the River Avon (Hampshire) SAC.

23. The Habitats Regulations require the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, Regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Planning Balance

24. Paragraph 77 of the Framework indicates that local planning authorities should identify and update annually a supply of specific deliverable sites that provide either a minimum of 5 years' worth of housing, or a minimum of 4 years' worth if the provisions in paragraph 226 apply. The appellant has referred to the transitional arrangements for the maintenance and delivery of housing land supply. Footnote 79 of the Framework and the accompanying Planning Practice Guidance¹ describe these transitional arrangements, however, are clear that these only apply to the provisions of paragraph 76 of the Framework² and the related reference at footnote 8, neither of which are relevant in this instance.
25. The Council has an emerging local plan that has passed the Regulation 19 stage, which contains both a policies map and proposed allocations towards meeting its housing need. As such, the provisions of paragraph 226 apply, and the Council is one such authority that is required to identify a four-year supply of housing. The Council states that it can demonstrate a 4.83 year housing land supply, and the appellant has not disputed this figure. I am therefore satisfied that the Council is able to demonstrate a 4-year supply of deliverable housing sites, and the 'tilted balance' under paragraph 11d) of the Framework is not engaged.
26. Irrespective of the housing-land supply figure, the provision of two dwellings would nonetheless make a beneficial contribution towards delivery of housing in the area, would assist the Government's objective to significantly boost the supply of homes, and with an attractive outlook and manageable gardens, would contribute to the mix and choice of homes available. The appellant describes the properties as self-build. I have not been provided with evidence of the local need for self-build dwellings. However, the Framework identifies the need to provide housing for different groups and recognises the value of small sites including self-build housing. There would also be economic and social benefits both during the build and in the subsequent occupation of the houses. However, any benefits in respect of two dwellings, even if they were both self-

¹ Paragraph: 057 Reference ID: 68-057-20240205

² In which a local planning authorities is not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing.

build, would be small, and would be substantially moderated by the extant consent³ for two dwellings on the same site.

27. Although I have found conflict with the locational policies of the Core Strategy, the extant consent is a material planning consideration. I note that this permission was granted under an earlier iteration of the Framework, with different housing land supply circumstances and for a substantially different scheme in terms of layout, design, and access arrangements. However, the quantum of development in this location would be the same, and it is likely that the approved scheme would be implemented should this appeal fail, and two dwellings would be constructed on the appeal site. Accordingly, this fallback position is a material consideration that carries significant weight against the conflict with the locational policies of the development plan.
28. However, I have found that the proposed development would conflict with Core Policy 57 of the Core Strategy in relation to the harm to the character and appearance of the area, and to living conditions of existing and future occupiers. The extant consent for a different scheme would not carry any substantial weight against this conflict. On that basis, although the proposed development may not conflict with other policies of the development plan, the proposal would conflict with the development plan as a whole. That there would be no harm in respect of highway safety is a neutral factor that, while not a reason for refusing the proposed development, does not weigh in its favour.
29. Taking all of the above into account, even taken together, the benefits associated with the two dwellings would be modest, and would not outweigh the harms I have identified or the proposal's conflict with the development plan.

Conclusion

30. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I therefore conclude that the appeal should be dismissed.

K Jones

INSPECTOR

³ Application reference PL/2022/05819